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LETTER DATED 15 JANUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 15 January 1999 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of Iraq. The Minister calls attention to the violations and acts of aggression committed against Iraq by United States and other aircraft and naval vessels in the period from 1 July to 31 December 1998, including the brutal attack on Iraq that was carried out by the United States and the United Kingdom between 17 and 20 December 1998, and he points out that these two countries and the countries in which their aircraft are based, such as Saudi Arabia, Kuwait and Turkey, are to be held fully responsible for the consequences of such acts.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

Annex

Letter dated 15 January 1999 from the Minister for Foreign Affairs of Iraq addressed to the President of the Security Council

I refer to my letter dated 5 July 1998 providing detailed information on the violations and acts of aggression committed by United States and other aircraft and naval vessels in the period from 1 January to 30 June 1998 (S/1998/613, annex).

In the present letter, I wish to draw your attention to the fact that during the period from 1 July to 31 December 1998 such aircraft continued to violate Iraq's airspace in the south from bases in Saudi Arabia and Kuwait and in the north from bases in Turkey. During this period there were 8,142 aerial violations in southern Iraq and 1,286 in northern Iraq, so that the total number of violations of Iraq's airspace during this period comes to 9,428.

On the present occasion, I have to inform you that on the night of 16 December 1998 the United States of America and the United Kingdom began a brutal armed attack on Iraq that went on for four days. During this time, Iraq was subjected to an assault using missiles and aircraft that was launched from bases in Turkey, Saudi Arabia and Kuwait and that targeted residential neighbourhoods, hospitals, cereal storage depots, health centres, service installations, factories, houses of worship and historical antiquities and caused the deaths of hundreds of innocent civilians. By any standard, this act was a flagrant violation of the principles of international law and of the Charter of the United Nations, and it had no international authorization.

During the relevant period, United States warplanes engaged in such hostile, provocative and inflammatory acts as dropping heat flares and breaking the sound barrier over Iraqi civilian areas and establishments, and United States naval vessels also engaged in acts of aggression inside and outside Iraqi territorial waters. These acts were documented by us and were communicated to the United Nations Secretariat at the time they took place. They included those set forth hereunder by way of example.

1. At 1330 and 1400 hours on 1 July 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

2. At 1015 and 1100 hours on 2 July 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

3. At 1015 hours on 7 July 1998, a formation of two United States aircraft broke the sound barrier in the Saddam Dam area.

4. At 0917, 0935, 0940, 0950 and 1235 hours on 8 July 1998, United States aircraft violated Iraqi airspace in the Umm Qasr area.

5. At 0805 and 0945 hours on 11 July 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

6. At 1203 hours on 11 July 1998, a formation of two United States aircraft dropped seven heat flares in the Rubay'ah area of Ninawa Governorate.

7. At 1030 hours on 13 July 1998, a formation of two United States aircraft broke the sound barrier over Mosul.

8. At 1110 hours on 14 July 1998, a formation of two United States aircraft broke the sound barrier over the Qaws area in Ninawa Governorate.

9. At 0845, 0853 and 0907 hours on 18 July 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

10. On 11, 12 and 13 July 1998 United States aircraft broke the sound barrier over Tall Afar, shattering window panes in some government offices and private homes and terrifying a number of residents.

11. At 1100, 1106 and 1800 hours on 4 August 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

12. At 1044, 1210, 1320 and 1335 hours on 5 August 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

13. At 1113 hours on 6 August 1998, two United States aircraft dropped 10 heat flares on Tall Afar in Ninawa Governorate.

14. At 1052 hours on 9 August 1998, a United States formation broke the sound barrier over Tall Afar in Ninawa Governorate.

15. At 1110 hours on 11 August 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

16. At 1024, 1200, 1330 and 1400 hours on 18 and 19 August 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

17. At 0915, 0920, 1035, 1100 and 1105 hours on 22 August 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

18. At 1226, 1747 and 1750 hours on 25 August 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

19. At 1615 hours on 25 August 1998, a small United States patrol boat escorted Iraqi boat No. 8, which is used to take pilots to the pilot station near Mina' al-Bakr, away from the port in an easterly direction to one of the frigates on station there to be checked and inspected. At 1845 hours the boat was released.

20. At 1307, 1326, 1502 and 1509 hours on 26 August 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

21. At 0930 hours on 26 August 1998, a United States naval craft and an armed helicopter intercepted an Iraqi fire boat near buoy 51 in the Khawr al-Zubayr waterway. The boat was searched and numerous questions were addressed to its

crew on the pretext that the purpose of the search was to implement Security Council resolutions. The boat was then required to proceed to a Canadian frigate bearing the number 95. Members of the United States forces who were present then boarded the Iraqi boat carrying various items of equipment. They searched the boat thoroughly and made copies of its papers and logs. At 1915 hours the boat was released.

22. At 1330 hours on 25 August 1998, a United States boat escorted the merchant vessel BAWNK, which was leaving Umm Qasr for the open sea, to the inspection zone. There it was searched. At 1815 hours it was allowed to proceed on its way.

23. At 0430, 1016, 1211, 1240 and 1737 hours on 27 August 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

24. At 1400 hours on 27 August 1998, a naval craft flying the United States flag approached the freighter Poland and demanded information on the vessel and on its cargo, flag State and port of registration before allowing it to leave.

25. At 1028, 1044 and 1325 hours on 5 September 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

26. At 1210 hours on 6 September 1998, a United States formation broke the sound barrier in the Jabal Maqlub area of Ninawa Governorate.

27. At 2340 hours on 7 September 1998, a United States patrol boat searched the Iraqi Maritime Transport Company merchant vessel Al-Abid, which had a cargo of wheat on board, at the entry to the Shatt al-Arab (coordinates 0284) as it was proceeding from Umm Qasr port to Basrah port. At 0230 hours on 8 September it was escorted to an unidentified destination to be searched. At 1800 hours on the same day the vessel was released.

28. At 1400 and 1430 hours on 11 September 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

29. At 1005 and 1015 hours on 13 September 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

30. At 1030, 1035, 1100, 1125, 1705 and 1730 hours on 14 September 1998, United States aircraft violated Iraqi airspace in the Umm Qasr and Khawr al-Zubayr areas.

31. At 1221, 1311 and 1325 hours on 16 September 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

32. At 1700 hours on 16 September 1998, as the Iraqi Maritime Transport Company freighter Al-Bay'ah was on its way with a cargo of wheat from Umm Qasr port to Ma'qal port in Basrah by way of the Khawr Abd Allah waterway and the Shatt al-Arab channel, a helicopter from a United States frigate on station in the Arabian Gulf circled the vessel and hovered over it a number of times taking photographs. The pilot of the helicopter established contact with the master of the vessel and ordered him to change course.

33. At 1435 hours on 17 September 1998, a United States formation broke the sound barrier in the Ayn Zalah area.

34. At 1730 hours on 22 September 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

35. At 1200 and 1300 hours on 23 September 1998, United States aircraft violated Iraqi airspace in the Umm Qasr area.

36. At 1540 hours on 24 September 1998, United States aircraft violated Iraqi airspace in the Umm Qasr area.

37. At 1105, 1200, 1305, 1700 and 1755 hours on 25 September 1998, United States aircraft violated Iraqi airspace in the Umm Qasr area.

38. At 1145 hours on 26 September 1998, a United States formation broke the sound barrier over Basrah.

39. At 1115, 1120, 1130, 1200, 1225, 1530, 1654, 1700 and 1750 hours on 26 September 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

40. At 1010, 1100, 1105, 1715 and 1730 hours on 27 September 1998, United States aircraft violated Iraqi airspace in the Umm Qasr area.

41. At 1005, 1045 and 1120 hours on 28 September 1998, United States aircraft violated Iraqi airspace in the Umm Qasr area.

42. At 1030, 1116, 1121, 1159, 1311, 1729 and 1744 hours on 29 September 1998, United States aircraft violated Iraqi airspace in the Umm Qasr area.

43. At 1021, 1025 and 1255 hours on 30 September 1998, United States aircraft violated Iraqi airspace in the Umm Qasr and Faw areas.

44. At 1130 hours on 5 October 1998, a United States formation broke the sound barrier in the Mosul area.

45. At 1005 and 1040 hours on 6 October 1998, United States aircraft violated Iraqi airspace in the Umm Qasr area.

46. At 0905, 0910, 0915, 0920, 1145, 1150, 1635 and 1645 hours on 7 October 1998, United States aircraft violated Iraqi airspace in the Umm Qasr and Faw areas.

47. At 0910, 0920, 0925, 0940, 1050, 1210 and 1215 hours on 8 October 1998, United States aircraft violated Iraqi airspace in the Umm Qasr and Faw areas.

48. At 1045 hours on 8 October 1998, United States aircraft violated Iraqi airspace over Nasiriyah.

49. At 0943, 1110, 1215, 1420 and 1145 hours on 9 October 1998, United States aircraft violated Iraqi airspace in the Umm Qasr area.

50. At 0907, 0912, 0934, 1028, 1055 and 1612 hours on 10 October 1998, United States aircraft violated Iraqi airspace in the Umm Qasr and Faw areas.

51. At 0912 and 1141 hours on 13 October 1998, United States aircraft violated Iraqi airspace in the Umm Qasr area.

52. At 0915 and 0925 hours on 14 October 1998, United States aircraft violated Iraqi airspace in the Umm Qasr area.

53. At 0935 hours on 15 October 1998, United States aircraft violated Iraqi airspace in the Umm Qasr area.

54. At 1630 hours on 17 October 1998, a boat and a United States helicopter detained the privately owned tug Nur as it was towing a pontoon near buoy 7. It was escorted out to sea to be searched. At 1700 hours on the same day the inspection process was completed and the tug headed towards the Khawr al-Zubayr waterway.

55. At 2030 hours on 18 October 1998, United States forces intercepted the Honduran tanker Trapp Star, for which Mr. Husam Ja'far acts as agent, as it was leaving Khawr al-Zubayr port and close to buoy 5 in the Khawr Abd Allah channel. At 1100 hours on 24 October the tanker was escorted to Kuwait by United States forces.

56. At 0015 hours on 19 October 1998, the United States frigate Carr (No. 52) proceeded to search the freighter Rayshan, which was carrying a cargo of rice, at a point 5 kilometres south of Mina' al-Amiq near buoy 7 in the Khawr Abd Allah waterway. The freighter was ordered to change course or drop anchor at once. The pilot was required to reduce speed and to await further orders, the vessel having already been searched at the international inspection point. At 1325 hours on the same day the pilot was instructed to proceed.

57. At 1435 hours on 1 November 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

58. At 1045, 1110, 1515 and 1635 hours on 2 November 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

59. At 1026, 1030, 1100, 1210, 1510, 1533, 1539, 1635 and 1645 hours on 3 November 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

60. At 1150 and 1510 hours on 4 November 1998 United States aircraft violated Iraqi airspace in the Umm Qasr area.

61. At 1426 hours on 9 November 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

62. At 1645 hours on 13 November 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

63. At 1625 and 1635 hours on 14 November 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

64. At 1218 hours on 16 November 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

65. At 1230 hours on 16 November 1998, United States aircraft violated Iraqi airspace in the Saddam Dam area.

66. At 0930 hours on 17 November 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

67. At 1135 and 1140 hours on 18 November 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

68. At 0905, 1105, 1317 and 1645 hours on 19 November 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

69. At 1345, 1445 and 1500 hours on 25 November 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

70. At 1120 hours on 29 November 1998, United States aircraft violated Iraqi airspace in an area 30 kilometres south of Samawah.

71. At 1103, 1156, 1245, 1415, 1530 and 1700 hours on 29 November 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

72. At 1138, 1141, 1200, 1255 and 1705 hours on 30 November 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

73. At 1148, 1230 and 1245 hours on 1 December 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

74. At 1010, 1015, 1024, 1400, 1427, 1443 and 1556 hours on 2 December 1998, United States aircraft violated Iraqi airspace in the Umm Qasr and Faw areas.

75. At 1045, 1050 and 1052 hours on 3 December 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

76. At 1700 hours on 4 December 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

77. At 2300 hours on 5 December 1998, as it was proceeding inside Iraqi territorial waters from Umm Qasr port to the Umm Qasr silo in the direction of Ma'qal port in Basrah with a cargo of 1,500 tons of wheat, the Iraqi freighter Al-Abid was subjected to an act of piracy on the part of some boats and a helicopter belonging to United States forces. A team proceeded to search the freighter while a group of boats surrounded it.

78. At 1021 hours on 6 December 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

79. At 1035 hours on 7 December 1998, United States aircraft violated Iraqi airspace over Umm Qasr.

80. At 1407 hours on 7 December 1998, a United States formation dropped a pyrotechnic cartridge in the Tall Kayf area of Ninawa Governorate. It went out while still airborne.

81. At 1800 hours on 7 December 1998, a United States helicopter flew over the United Arab Emirates passenger ferry Jabal Ali I while it was proceeding through the Khawr Abd Allah waterway towards the open sea. The crew of the helicopter addressed provocative questions to the vessel over the radio.

82. On 8 December 1998, a United States helicopter flew over the merchant vessel Guin, which was carrying a cargo of rice under the terms of the memorandum of understanding, addressed provocative questions to its crew as it was proceeding through the Khawr Abd Allah waterway towards Umm Qasr port and tried to impede its passage. The vessel had already been searched in the inspection zone on that day.

83. At 0230 hours on 8 December 1998, a United States helicopter flew over the Iraqi tanker Rayshan as it was proceeding from Faw to Umm Qasr and was at the entry to the Khawr Abd Allah waterway and tried to impede its passage. This continued until 0500 hours on the next day, 9 December.

84. At 1735 hours on 10 December 1998, two United States aircraft dropped two heat flares over Safwan in Basrah Governorate.

85. On 12 December 1998 a United States helicopter intercepted the vessel Al-Bayshah, subjected it to provocation and tried for a full hour to impede its passage through the entry to the Khawr Abd Allah waterway as it was proceeding towards Umm Qasr.

86. At 1015 hours on 12 December 1998, as it was proceeding through the Khawr Abd Allah waterway inside Iraqi territorial waters and heading for Umm Qasr port to take on a cargo of wheat at the Umm Qasr silo, the Iraqi Maritime Transport Company freighter Al-Bay'ah was intercepted by a United States helicopter. The master of the vessel was ordered over the radio to change course, and he refused to do so. The interrogation and harassment continued for a full hour, during which time questions were asked concerning the vessel's cargo, its flag and its destination.

87. Using missiles and aircraft, the United States of America and the United Kingdom launched a brutal armed attack on Iraq that lasted for the four days from 17 to 20 December 1998 and targeted civilian areas, industrial installations, infrastructure, hospitals, health facilities, schools, universities, heritage sites and grain depots. This savage attack left behind hundreds of innocent civilian casualties and inflicted large-scale losses in terms of property damage. Some examples are given hereunder:

(a) At 0105 hours on Thursday, 17 December 1998, using Tomahawk missiles, United States and United Kingdom forces bombarded a grain depot containing 2,600 tons of rice imported under the terms of the memorandum of understanding. The depot was totally destroyed.

(b) On the night of 16/17 December 1998, 327 missiles were fired at Iraq through Kuwaiti airspace, 72 air raids were carried out by fighter aircraft at Kuwaiti bases and 31 raids were carried out from Saudi bases.

(c) On 18 December 1998, 31 missiles were fired from Kuwaiti territory, five air raids were carried out from Kuwaiti territory and 48 raids were carried out from Saudi bases.

(d) On 19 December 1998, 134 missiles were fired at Iraq through Kuwaiti airspace.

(e) On 20 December 1998, 49 air raids were carried out from Kuwaiti bases and 18 raids were carried out from Saudi bases.

(f) On 21 December 1998, despite the fact that the President of the United States had announced a halt to the attack, three air raids against Iraq were carried out from Saudi bases.

(g) On 22 December 1998, four air raids were carried out against Iraq from Kuwaiti bases and four raids were carried out from Saudi bases.

88. At 1417 hours on 22 December 1998, United States aircraft fired two missiles in the northern part of the Basrah area.

89. At 1125 hours on 26 December 1998, four United States aircraft violated Iraqi airspace in the Basrah area to the south-east of the Northern Rumaylah oilfields. They were engaged by our air defence units, and the aggressor aircraft were forced to drop their payloads. Another formation, this time of six aircraft, later returned to the same area. They were engaged by our air defence units, acting in self-defence, were forced to drop their payloads and were driven off.

90. At 0943 hours on 27 December 1998, two United States aircraft violated Iraqi airspace over Nasiriyah. They were engaged by our air defence units, acting in self-defence, and were driven off.

91. At 1304 hours on 28 December 1998, formations of United States aircraft violated Iraqi airspace in the Mosul area. They were engaged by our air defence units, acting in self-defence, and were driven off.

92. At 1337 hours on 28 December 1998, formations of United States aircraft violated Iraqi airspace in the Mosul area. They were engaged by our air defence units, acting in self-defence, and were driven off.

93. At 0924 hours on 29 December 1998, United States aircraft violated Iraqi airspace in the Samawah area and fired three missiles. They were engaged by our air defence units, acting in self-defence, and were driven off.

94. On the morning of 30 December 1998, United States and British aircraft violated Iraqi airspace in Muthanna Governorate and fired six missiles at the village of Āl Sallab. A number of residents were killed and wounded in the

enemy bombardment, several homes were destroyed and serious damage was done to property.

In condemning these repeated acts of aggression against Iraqi civilian areas and installations, we urge you to intervene with the United States and the United Kingdom with a view to inducing them to cease and to renounce any repetition of unwarranted actions that constitute a grave violation on the part of two permanent members of the Security Council of the sovereignty of an independent State and founding Member of the United Nations and that represent a breach of the Charter of the United Nations and of a principle enunciated in Security Council resolution 687 (1991).

We regard all the States involved - whether those whose aircraft and ships commit such acts of aggression or those in whose territory the aircraft are based, such as Saudi Arabia, Kuwait and Turkey - as being fully responsible for these actions, for the damage that they cause and for the security-related, economic and moral threat that they represent for the Iraqi people and the Iraqi State. We affirm in this connection the legally established right of Iraq, in accordance with the principle of State responsibility, to seek compensation for the damage it has sustained owing to the perpetration of these hostile acts in violation of the Charter of the United Nations and international law.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq